



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 8, 2025

BY ECF

The Honorable Colleen McMahon
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: American Council of Learned Societies v. National Endowment for the Humanities, No. 25 Civ. 3657 (CM) and *The Authors Guild v. National Endowment for the Humanities*, No. 25 Civ. 3923 (CM)

Dear Judge McMahon:

This Office represents the Defendants in the above-referenced cases. We write respectfully in response to the Court's July 7, 2025 order, requiring the parties to "show cause why [the Court] should not consider evidence on Judge Lin's docket relating to the NEH – notably, the June 17, 2025 Declaration of Michael McDonald, *Thakur v. Trump*, No. 25-CV-04737-RFL (N.D. Cal. June 19, 2025), ECF No. 48-3 – as part of the record on the motions pending before [the Court]." See ECF No. 109. The Defendants do not object to the Court's consideration of the materials submitted by the government defendants in *Thakur* as part of the record on the motions pending in this case.

The Court should not, however, consider the supplemental brief or the declaration submitted today by the Plaintiffs in *American Council of Learned Societies v. National Endowment for the Humanities*, No. 25 Civ. 3656 (CM) (the "ACLS Plaintiffs"). See ECF No. 111. Briefing on the Plaintiffs' motions for preliminary injunctions has closed, and the Court's July 7 order directed the parties simply to respond to the narrow question of whether the Court should consider evidence docketed in *Thakur*. The Court did not seek supplemental briefing from the parties or otherwise ask the parties to supplement the record, and the ACLS Plaintiffs did not seek the Court's leave to do so.

If the Court is inclined to consider the ACLS Plaintiffs' submission in ruling on the parties' pending motions, however, the Defendants respectfully request leave to respond to that submission.

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We thank the Court for its attention to this matter.

Respectfully submitted,

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cc: All counsel of record (via ECF)